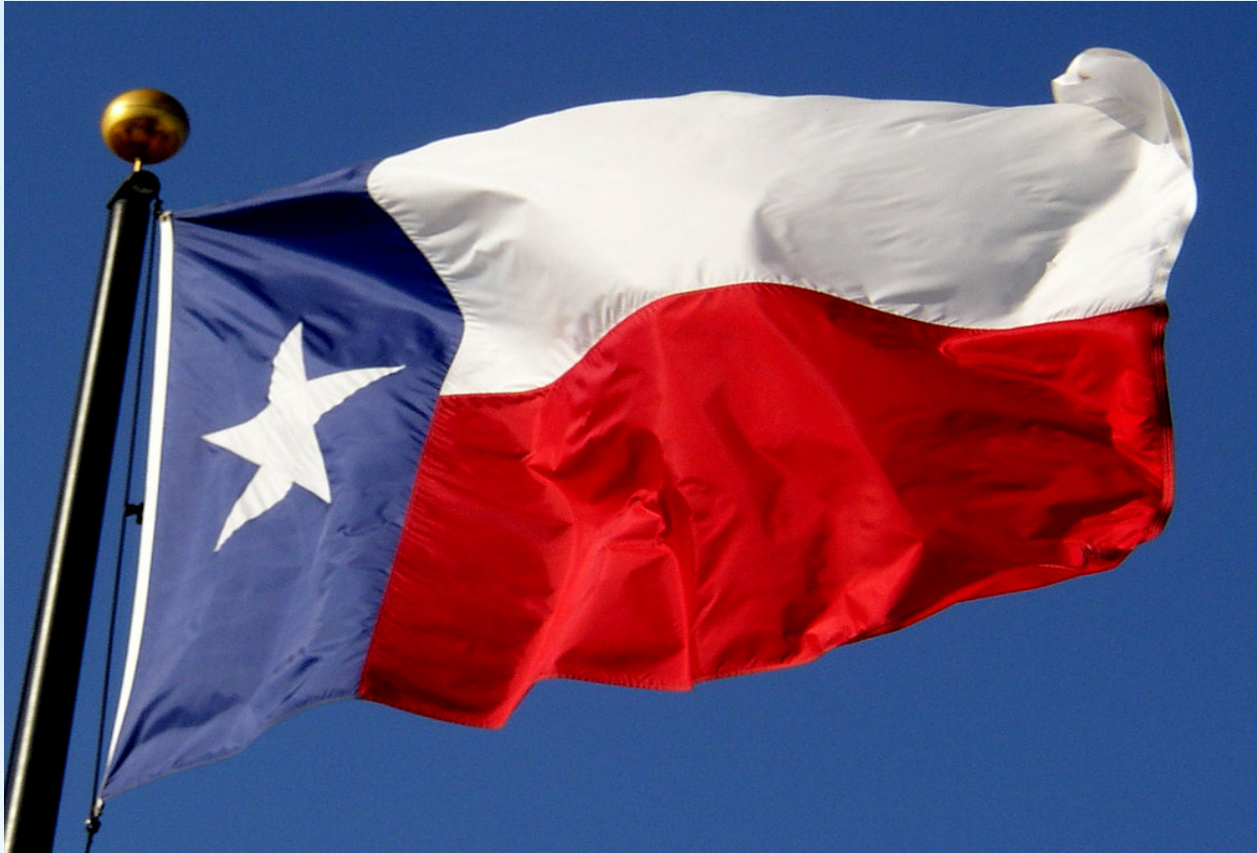


SB-1287 EXAMINER LICENSING IN TEXAS: AN OVERVIEW



**TEXAS FORENSIC SCIENCE COMMISSION
SEPTEMBER 9, 2015**

TEXAS FORENSIC SCIENCE COMMISSION: THE ESSENTIALS

- 9 Commissioners appointed by Governor — 7 scientists & 2 lawyers & 3 full-time staff
- Main job is to investigate allegations of negligence and misconduct against accredited crime laboratories as well as self-disclosures by those laboratories.
- Accredited disciplines include: drug testing; toxicology; forensic biology; firearms/tool marks; questioned documents; trace evidence, including fire debris, explosives, hair, fiber, GSR, glass, paint, filaments, unknown substances.

TEXAS FORENSIC SCIENCE COMMISSION: THE ESSENTIALS

- For all other disciplines NOT SUBJECT to accreditation, Commission may review cases but may not make determinations regarding negligence or misconduct.
- Reports are limited to: observations regarding the integrity and reliability of the forensic analysis; best practices; other recommendations by the Commission.
- Not an enforcement agency in traditional sense — no power to levy fines, penalties or subpoena parties.
- Commission does not weigh in on guilt or innocence, and our reports are NOT admissible in civil or criminal actions.

NEW RESPONSIBILITIES STARTING SEPTEMBER 1, 2015

- Manage the Texas Crime Laboratory Accreditation Program (120 laboratories).
- License 1,400 forensic examiners by January 1, 2019.
- Develop a process for collecting DNA and “other forensic evidence” from unidentified bodies located within 120 miles of the Rio Grande. (Apparently, this is not as easy as it sounds.)
- Resources: a \$500,000 annual budget combined with *priceless contributions of time, energy and goodwill* from our scientists, lawyers, judges, and other members of the criminal justice system.

LICENSING REQUIREMENT

- Forensic analysts mean a person who on behalf of an accredited crime lab, tech reviews or performs forensic analysis or draws conclusions from or interprets forensic analysis for a court or crime lab. (except ME's)
- Must be licensed by January 1, 2019.
- Opportunity to make suggestions to Legislature before deadline.
- Commission must establish qualifications with the advice of an advisory board (7 scientists appointed from list of 20 compiled by TACLD, two lawyers, must be in place by January 1, 2016).
- The advisory board selection process is underway RIGHT NOW! Advisory board applications were closed on August 21, 2015. Approximately 40 people applied for 7 scientist seats.

LICENSING QUALIFICATIONS

- Successful completion of educational requirements.
- Specific course work and experience, including instruction in courtroom testimony and ethics.
- Successful completion of an examination.
- Successful completion of proficiency testing to the extent required for accreditation.
- Pay the fee.
- Licenses can be suspended, revoked, etc. through SOAH process.
- Hoping to expand to other disciplines, and voluntary licensing.

FAQ'S

1. When will we know who is on the advisory board?
2. Do I have to be certified by a national certification body (e.g., ABC, IAI, ABFT, AFTE, other FSAB-accredited bodies) to meet the examination requirement? Will the Commission create its own exams?
3. What if there is no good existing exam for my discipline (*i.e.*, exam is not really designed for what I do)? What if I am a new examiner and cannot sit for an exam?
4. What if I cannot afford to take the exam because the fees are high? What if I don't have the time?
5. What if I fail the exam? Will I get a second chance?

FAQ'S

1. But I've been doing this work for decades. Can't I just be grandfathered in?
2. I work in a federal laboratory. Do I still need to get a license?
3. I work in a privately funded laboratory. Do I still need to get a license?
4. I work for a laboratory outside of Texas but occasionally I testify in Texas. Do I still need to get a license?
5. I am retired or have otherwise moved on to another employment. What if I need to come back and testify on an old case but I don't work in a crime lab anymore? Do I still need to get a license?

FAQ'S

1. If I don't have a license by January 2019, will I lose my job?
2. Is there going to be a continuing education requirement?
3. How much will the licensing fee be?
4. When will the Commission start accepting applications?
5. How do I submit my application?
6. Is there anything I need to do now to prepare?



Lynn Robitaille Garcia
General Counsel
Texas Forensic Science Commission
(512) 936-0649
lynn.garcia@fsc.texas.gov